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ATTY. DOCKET NO. L-F/104H

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Niehoff
Serial No. : 09/307,633
Filed : May 7, 1999
For : SYRINGE WITH INDICIA FOR CONTROLLING PLUNGER DRIVE
(AS AMENDED)

REC-
Art Unit 208763
Examiner: J. Maynard
MAY 10 2002
TECHNOLOGY CENTER R3700

Assistant Commissioner of Patents
Washington, DC 20231

REQUEST FOR ENTRY OF AMENDMENT FOR APPEAL, AND REFUND

An appeal brief was entered in this matter on May 30, 2001, and on August 14, 2001, the Examiner entered an answer. No reply was entered by the Applicant.

On October 23, 2001, An Amendment for Appeal was filed in the above-identified application. This amendment was not a reply or otherwise directed to the substance of the brief and answer. The purpose of this amendment was to simplify issues for appeal by eliminating an antecedent basis problem in claim 24.

On March 26, 2002, the Examiner mailed an Advisory Action refusing to enter the October 23, 2001 amendment. Applicant submits that the October 23, 2001 amendment was directed to matters of form and simplifies issues for appeal by

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, postage prepaid in an envelope addressed to: Assistant Commissioner of Patents, Washington, D.C. 20231 on: April 17, 2002

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eliminating antecedent basis informalities in the claims.

Applicant therefore requests reconsideration of the Examiner's refusal to enter the October 23, 2001 amendment.

Separately, Applicant has learned that a fee for extension of time in the amount of \$55 has been charged to the deposit account of the undersigned. This charge was not appropriate as the October 23, 2001 was not a reply brief nor was it an amendment filed in any period of mandatory reply. No extension of time was requested or authorized. No extension of time was needed to file an amendment for appeal as was done on October 23, 2001.

Applicant thus respectfully request a refund of the extension of time fee of \$55.00. Please credit our deposit account no. 23-2000 the \$55.00 charged in error at your earliest possible convenience.

Respectfully submitted,



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